

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**OEC FREIGHT (NY), INC., d/b/a OEC  
Group,**

**Plaintiff,**

**-against-**

**DON SMITH & ASSOCIATES, INC., d/b/a  
Express Office Furniture, and STORLIE  
FURNITURE DISTRIBUTORS, LLC, d/b/a  
Storlie Furniture Group,**

**Defendants.**  
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**1:23-cv-06299 (ALC)**

**ORDER**

**ANDREW L. CARTER, JR., United States District Judge:**

On October 10, 2024, this Court held a pre-motion conference to discuss Plaintiff's proposed motion to file an amended complaint. The Court grants the Plaintiff leave to file a Second Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a). The Second Amended Complaint shall be filed before or on **October 25, 2024**. Defendants' time to answer Plaintiff's First Amended Complaint is stayed.

Defendant Storlie Furniture Distributors, LLC ("Storlie") is granted leave to file a Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). Defendant Storlie shall file a letter on the docket by **October 30, 2024**, indicating whether Defendant will be filing a Motion to Dismiss. If Defendant Storlie intends to file a Motion to Dismiss, the Court sets the following briefing schedule:

Defendant's Motion to Dismiss: November 14, 2024

Plaintiff's Opposition: December 2, 2024

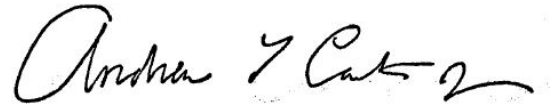
Defendant's Reply, if any:

December 11, 2024

Plaintiff is granted leave to file a Motion for Default Judgment against Defendant Don Smith & Associates, Inc. pursuant to Federal Rule of Civil Procedure 55. Plaintiff is directed to file the motion by **October 28, 2024**.

**SO ORDERED.**

**Dated: October 21, 2024**  
**New York, New York**

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written in a cursive style.

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**ANDREW L. CARTER, JR.**  
**United States District Judge**